THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.26800 OF 1995

ORAL ORDER:

The petitioners, twenty in number, filed this writ petition seeking a declaration that the action of the respondents 1 to 3 in taking steps to assign the land to an extent of 0.03 cents in Sy.No.193/6 of Kaliyambakam village, Vijayapuram Mandal, Chittoor district, in favour of the 5th respondent, is arbitrary and illegal.

The petitioners, who claimed to be Harijans, pleaded that they were granted house site pattas out of the Government Poramboke land situated in Sy.No.193/6, wherein they have constructed houses and were residing. It is claimed that an extent of 0.03 cents in Sy.No.193/6 was allotted for the purpose of construction of a temple and that the 4th respondent-Assistant Commissioner of Endowments, vide proceedings dated 27.2.1990 informed the villagers to submit proposals in consultation with Endowment authorities for construction of the temple. While the proceedings were pending, under political pressure brought out by respondent No.5, the said 0.03 cents of land was sought to be allotted to her for construction of a house. Aggrieved by the said action, this writ petition is filed.

On behalf of respondents 1 to 3, the Mandal Revenue Officer, filed a counter-affidavit stating that the land in question has been in possession and enjoyment of the 5th respondent and her husband for the past 14 years and that since the 5th respondent is a landless poor person belonging to Scheduled Caste, she is entitled for a house site patta and, accordingly, the same was granted on 9.11.1995. It is further stated that while granting house site pattas to the petitioners, Plot No.1, to an extent of 0.50 cents in Sy.No.193/6 was earmarked for communal purpose and, as a matter of fact, villagers have already constructed a temple in the said plot. The land, which is the subject matter of this writ petition, situated in Plot No.77 is never earmarked for

communal purpose and the same has been in occupation and enjoyment of the 5th respondent for the past 14 years.

From the averments in the counter-affidavit, which stood rebutted, it is clear that the house site patta has already been granted in favour of the 5th respondent and that she has been in possession and enjoyment of the same for the past more than a decade. Hence, the writ of mandamus as prayed for cannot be granted. If the petitioners are still aggrieved, it is open to them to work out appropriate remedy as available under law.

The writ petition is accordingly, dismissed. No costs.

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(G. ROHINI, J.)

12th September, 2006.
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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.26800 OF 1995

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12th September, 2006.

Between:

K. Chamgaiah and others. .. Petitioners.

And

The Mandal Revenue Officer, Vijayapuram
Chittoor district and others. .. Respondents.